IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE SEVENTH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.4061 OF 2006

Between:

Samarouthu Rajyalakshmi … Petitioner

Versus

The Special Officer & Competent Authority,

Urban Land Ceilings,

Arundalpet, Guntur,

Guntur District. … Respondents

Counsel for the Petitioners: Sri M.Janardhan Rao

Counsel for the Respondents: GP for Revenue

O R D E R :

The Petitioner is the daughter-in-law of the declarant, who filed declaration under section 6 (1) of the Urban Land (Ceiling and Regulation) Act, 1976 before the Special Officer, Urban Land Ceilings, Guntur in respect of the properties situated within Guntur Municipality bearing D.Nos.498, 397/A, 117/2 and 397/A. The son of the declarant, who is the husband of the petitioner died on 20-2-1997 and the case of the petitioner is that she is the legal heir of the deceased son of the decalarant and he was major at that time but holding was not given to the husband of the petitioner and as per the instructions of the Government of India, Circular Lr.No.3/1/97UCU(1)/97, dated 21-5-1997, major members are also entitled for share in the property. Therefore, the petitioner made a representation on 02-1-2006 and the case of the petitioner is that the said representation has not been considered till date.

It is further stated that in similar circumstances, this court passed orders in WP.No.8810 of 2004 dated 14-6-2004 and WP.No.11953 of 2004 dated 14-7-

2004 respectively directing the respondent therein to consider and dispose of the representation thereof in accordance with law.

The learned Government Pleader appearing for the respondent submits that according to the allegation made in the writ petition, orders have been passed under section 10 (1) of the Act, and therefore, the petitioner can file appeal under section 33 of the Act, so as to enable the competent authority to consider and dispose of the same.

Having regard to the facts and circumstances of the case, I am of the opinion that when once orders have been passed by the competent authority, which are appeal able, it is just and proper to file an appeal before the appellate authority so as to examine the legality and validity of the orders passed by the competent authority as to whether the benefit of the holding has been given or not to the major members of the family. Though the petitioner is not a party to the proceedings and no orders have been communicated to the petitioner without reference to the time stipulated for filing appeal, the permitted to file an appeal before the appellate authority, within a period of two weeks from the date of receipt of a copy of this order and if any such appeal is filed by the petitioner, the appellate authority shall consider and dispose of the same on merits and in accordance with law, keeping in view of the guidelines issued by the Government of India in Lr.No.3/1/97 UCU (2), dated 21-5-1997.

With the above direction, the writ petition is accordingly disposed of at the admission stage. No costs.

MARCH 7th, 2006. ----------

I s L. **V. ESWARAIAH , J**.

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NB: Furnish CC tomorrow.

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B/o. IsL.